

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

VIRGINIA MORGAN COOK, et. al.,

Plaintiffs,

vs.

Civil Action No. 1:07CV149
Civil Action No. 1:07CV150
Civil Action No. 1:07CV151
Civil Action No. 1:07CV152
Civil Action No. 1:07CV153
Civil Action No. 1:07CV154
Civil Action No. 1:07CV155
Civil Action No. 1:07CV156
Civil Action No. 1:07CV157
Civil Action No. 1:07CV158
(Judge Keeley)

KINGWOOD MINING COMPANY, LLC,
PERRY RYAN, and MAX BURGOYNE, SR.,

Defendants.

ORDER CONSOLIDATING CASES

On January 3, 2008, the plaintiffs in the above cases, by counsel, filed unopposed motions to consolidate the above cases. For the reasons stated below, the Court **GRANTS** the motions.

On November 6, 2007, the defendants, Kingwood Mining Company, LLC, Perry Ryan, and Max Burgoyne, Sr. (the "Defendants") removed ten cases from the Circuit Court of Preston County, West Virginia. The plaintiffs in each of those cases are different individuals who are all citizens of West Virginia. All of the plaintiffs are represented by the same counsel. The Defendants also share common counsel.

ORDER CONSOLIDATING CASES

Fed. R. Civ. P. 42(a) permits a district court to consolidate actions which involve a common question of law or fact in order to avoid unnecessary costs or delay. All ten cases here derive from the factual circumstances surrounding the alleged contamination of ground water by the defendants. The plaintiffs are all individual landowners in the area who allege damages from this contamination. Furthermore, the plaintiffs in each case assert identical legal theories and claims against the Defendants.

It appearing proper to the Court to consolidate these cases in order to avoid unnecessary costs and delay and without opposition from the defendants, the Court **GRANTS** the motions (dkt. no. 9 in each case), **CONSOLIDATES** these cases and **ORDERS** the Clerk to designate case number 1:07CV149 as the lead case for future docketing.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record in all of the above cases.

DATED: January 8, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE